



U.S. Department of Justice
Jay Clayton
United States Attorney
Southern District Of New York
Civil Division

c/o Office of Program Litigation, Office II (212) 264-2004
Office of the General Counsel jonathan.m.king@ssa.gov
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235

May 16, 2025

VIA CM/ECF

Hon. Stewart D. Aaron
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

The Commissioner's Consent Letter Motion (ECF No. 24) is GRANTED. The Commissioner's Motion to Dismiss or, in the alternative, Motion for Summary Judgment (ECF No. 12) is DENIED as moot based on the Commissioner's representations below. The parties' proposed briefing schedule is approved.

SO ORDERED.

Dated: May 16, 2025

Re: *Stephanie Marie Visvardis v. Commissioner of Social Security*, No. 1:25-cv-01784-SDA

Dear Judge Aaron:

This Office represents the Commissioner of Social Security (Commissioner), the Defendant in this matter. We write with regard to the Commissioner's Motion to Dismiss or in the Alternative for Summary Judgment (Commissioner's Motion), filed on May 1, 2025, based on the untimely filing of Plaintiff's Complaint. ECF Nos. 12-17. Plaintiff's counsel filed a notice of appearance on May 2, 2025. ECF No. 19. Thereafter, counsel provided the undersigned with documentation that appears to show that Plaintiff in fact timely sought review of the Commissioner's final decision by emailing her Complaint to the Pro Se Intake Unit at the Southern District of New York.

The Commissioner's Motion was justified, in that the Complaint in this case appeared to be filed on March 3, 2025, after the deadline to file the Complaint. *See* ECF No. 1; *see also* Commissioner's Motion, ECF No. 13 at 2, 8. Based on the newly provided information, it now appears that Plaintiff's action was commenced timely. Accordingly, the Commissioner respectfully withdraws his Motion, filed at ECF Nos 12-17.

Additionally, we respectfully request that the Court extend the deadline for filing the certified administrative record (CAR) and subsequent briefing in this case, pursuant to the Local Social Security Rules, effective January 1, 2025, applicable in all actions governed by the Supplemental Rules for Social Security Actions. The parties respectfully request that the Court approve the following proposed schedule:

- the CAR shall be filed by June 27, 2025;
- Plaintiff's brief shall be filed by August 26, 2025;
- Defendant's brief shall be filed by October 27, 2025; and
- Plaintiff's reply shall be filed by November 17, 2025.

This is the first and only request for an extension of the filing deadlines in this case. Plaintiff's counsel consents to the proposed comprehensive schedule above.

We thank the Court for its consideration of this request.

Respectfully,

JAY CLAYTON
United States Attorney
Southern District of New York
Attorney for Defendant

By: /s/ Jonathan M. King
Jonathan M. King
Special Assistant United States Attorney
c/o Office of Program Litigation, Office II
Office of the General Counsel
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235
Tel.: (212) 264-2004
Email: jonathan.m.king@ssa.gov

cc (Via ECF): Mark Levine, Esq.
Attorney for Plaintiff